

EXHIBIT “H”

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

FG HEMISPHERE ASSOCIATES, L.L.C.	§	
Plaintiff,	§	
v.	§	
REPUBLIQUE DU CONGO	§	
Defendant,	§	CIVIL ACTION No. H-02-4261
and	§	
CMS OIL AND GAS COMPANY, et. al.,	§	
Putative Garnishees.	§	

DECLARATION OF BERNARD CASTANET

I, Bernard Castanet, declare:

1. My name is Bernard Castanet. I am a Safety Adviser for inter alia CMS Nomeco Congo LLC, which was formerly known as CMS Nomeco Congo Inc. ("CMS Nomeco") and I have personal knowledge concerning the facts set out in this declaration. Set out below are facts relating to the lifting of oil from the Conkouati in the Congo.

2. Ship to ship mooring and crude oil transfer operations from a fully loaded tanker to a shuttle tanker moored side by side represent an accumulation of operational risks even when personnel are familiar with the facilities and equipment; these risks are significantly enhanced if they are carried out by unqualified personnel or those who do not have experience with the facilities. I have set out below the main phases of work where the action of inexperienced personnel not regularly used to the terminal will create safety, health and environmental hazards to the people on board the vessels as well as risk of damage to the 2 vessels.

3. Without describing in detail all the different phases of an offshore terminal, these are the main points of concern:

H₂S

The following notice is given in respect for liftings of the Yombo terminal:

Notice

CMS Nomeco Congo, Inc., Yombo Field Operations has Hydrogen Sulfide (H₂S) Gas in concentrations significant enough to be a toxicity concern for personnel. It is therefore mandatory that lifting vessels be properly equipped and vented, and that their personnel be trained and certified in H₂S safety prior to the vessels arrivals at the terminal loading facility. Although the crude is classified as sweet regarding Sulphur content, Hydrocarbon Sulfide gasses remain entrained in the oil and offer concern during loading, hauling, unloading and gauging operations. Additionally, as vessels will be loading side by side, there could be an exposure to Hydrogen Sulfide gas during an operational upset on Floating Production, Storage and Offloading vessel (FPSO) Conkouati.

Mooring of tankers side by side:

- such operation must be under the control of an experienced Mooring Master provided by the terminal operator, able to coordinate the actions of the two offshore tugs required to bring the shuttle tanker alongside the Conkouati. The mooring team as instructed by the Mooring Master must be able to rapidly operate the cranes and hoisting equipment to

install the fenders, and pass and install wire mooring lines. The main risks arise from uncoordinated operations and this may result in a collision between the loading vessel and the terminal and damage to the hull of the two vessels, with consequent risks of pollution, fire and injury to personnel.

Crude oil transfer:

- Installation of transfer hoses and connection to manifolds needs a team of able personnel with good experience of manipulating such type of equipment; if improperly conducted, this has a clear potential for pollution release of flammable hydrocarbons, again with the risk of fire, injury to personnel, damage to facilities and vessels. It is also vital for there to be a fire team in attendance ready to control any dangerous situation.

- Firing up boilers and getting ready the machinery and pumps prior to crude oil discharge: boilers have to be started in order to produce the necessary vapor to drive the cargo pumps and other equipment necessary to the terminal operation for the whole of the crude oil discharge period which, assuming no mechanical or operational incident, would be expected to last \pm 30 hours. This delicate operation requires a Chief Engineer assisted by experienced personnel very well aware of the characteristics of the boilers and of the engine room features in order to conduct properly and timely the different phases of such operation which if mistakes are made in running this operation, may result in irreversible damage to the boilers and surrounding machinery with the ever present major risks of explosion and fire in the engine room.

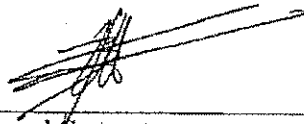
- Discharge of crude oil: this requires first a proper setting of all the different cargo valves prior to starting the discharge pump, controlling the inert gas content in all cargo tanks and verifying the operational performance of the Inert Gas System plant to ensure that inert gas with 5 % or less oxygen is produced during all the duration of the cargo discharge. Incorrect setting of the valves and of the IGS system could result in uncontrolled discharge of crude oil in the pump room and engine room and damage to cargo tanks with the risk of fire and explosion. Past records of such major incidents due to such failure are well documented in the risks associated with the operation of terminals.
- This lengthy operation must be carried out by an experienced pump man operating and maintaining the cargo and ballast pumps in close coordination with the cargo master. Incorrect conduct of discharge operations can rapidly be the cause of damage to machinery, jeopardize the stability of the terminal by putting undue stress on the hull, piping and cargo tank's structure and compromise quickly the safety of the terminal with consequent risk of spill/ release of crude oil and flammable gas in an unsafe area, resulting in fire and explosion on board the vessel and putting the overall operation in a very serious condition to control.

Unmooring of the shuttle tanker:

Similar risks apply as with mooring.

4. I declare under penalty of perjury, under the laws of the United States of America, that the foregoing statements are true and correct.

EXECUTED on the 17 day of March, 2006, in Amsterdam, Holland.



Bernard Castanet